

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CESAR CRUZ,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/13/2024

21-cr-504 (MKV)

ORDER GRANTING
SENTENCE REDUCTION

MARY KAY VYSKOCIL, District Judge:

On June 30, 2023, the defendant was sentenced principally to a term of imprisonment of 70 months for Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl in violation of 21 U.S.C. §§ 841(b)(1)(A), 846. Thereafter, the defense filed a motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 to the Sentencing Guidelines [ECF No. 73 (“Def. Mem.”)]. The government responded that “the defendant’s motion should be granted” [ECF No. 75 (“Gov. Letter”) at 1].

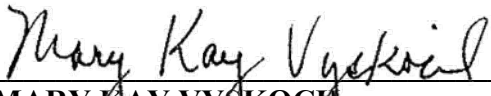
The Probation Department and the parties agree that the defendant is eligible for a sentence reduction under Amendment 821. They agree that, retroactively applying Amendment 821, the defendant’s Guidelines range would now be 57 to 71 months of imprisonment, based on an offense level of 25 and a criminal history category of I. This is a reduction from the previously-applicable Guidelines range of 70 to 87 months of imprisonment.

The defense argues that the Court should reduce the defendant’s sentence “from 70 months to 57 or less.” Def. Mem. at 4. The government takes the position that the reduced sentence should be “within the new Guidelines range of 57 to 71 months’ imprisonment.” Gov. Letter at 3.

The Court finds that the defendant is eligible for a sentence reduction and adopts the above calculations as to the defendant's new Guidelines range. Having considered the record in this case, the parties' arguments, and the factors set forth in 18 U.S.C. § 3553(a), IT IS HEREBY ORDERED that the defendant's term of imprisonment is reduced to 60 months of imprisonment. All other components of the sentence remain as originally imposed.

SO ORDERED.

Date: December 13, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge